

**OFFICE OF THE CHIEF OF POLICE**

**SPECIAL ORDER NO. 14**

**July 18, 2005**

**SUBJECT:        PROTOCOL FOR PROCESSING JUDICIALLY RESTORED OFFICERS  
                 AND OFFICERS RETURNING FROM EXTENDED LEAVE**

**PURPOSE:**        The purpose of this order is to ensure that employees who are returning to the Department after an extended absence, either through leave or involuntary separation, known as Judicially Restored Officers (JRO), are properly reintegrated into the Department.

**Note:**        "Extended leave or absence" shall include any absence from work, for any reason, for a period in excess of one year. Absences may include sick time, vacation time, or any time separated from employment with the Department.

**BACKGROUND:**    Previously, there were no procedures in place to ensure that employees who were absent from the Department due to extended leave or involuntary separation (JRO) were returned to the Department in a fair and expeditious manner. Additionally, the Department did not ensure that the employee's conduct did not legally preclude them from being a peace officer, consistent with Government Code (GC) Section 1031, while they were separated from the Department. Further, the Department did not conduct a medical evaluation to ensure the returning employee was capable of performing the essential functions of a police officer.

**Note:**        Government Code Section 1031 specifically states that peace officers shall "be of good moral character."

The intent of this protocol is to ensure that the employee did not commit an act that would render him/her unfit for duty. Such acts would include revoked driving privileges, the commission of a felony crime, or the conviction of certain misdemeanors where possession of a firearm is prohibited.

Additionally, this protocol will ensure that persons returning to the Department after extended absences will receive proper benefits and pay without undue delay and receive standardized training to reintegrate them into the Department.

All processing, including participating in the conduct evaluation, shall be done on an "on-duty basis."

## PROCEDURE:

- I. RISK MANAGEMENT GROUP'S RESPONSIBILITY.** Risk Management Group shall notify Personnel Group of any employee who has been judicially restored to the Department. Risk Management Group shall provide all requisite information for processing the employee back into the Department.
- II. PERSONNEL GROUP'S RESPONSIBILITY.** Personnel Group will be the point of contact and main coordinator for processing employees returning from extended leave.

When Personnel Group becomes aware of an employee who is returning from extended leave or who has been judicially restored to the Department, Personnel Group shall:

- \* Coordinate the reintegration of the employee back into the Department;
- \* Immediately notify Hiring and Evaluation Section (Personnel Group) to begin the conduct evaluation process;
- \* Confer with the City Attorney to ensure the City will not appeal the decision of the court to judicially restore the employee to the Department;
- \* Immediately contact the concerned employee;
- \* Advise the employee of the process to be restored to the Department;
- \* Obtain any additional information from the employee to assist them in transitioning back into the Department and ensure all pay and benefit issues are addressed;
- \* Assure the employee that he/she will be treated fairly and that his/her processing will receive priority; and,
- \* Collect all pertinent information regarding the employee (such as length of time absent from the Department, anticipated needs, etc.) and immediately forward correspondence to Fiscal Operations Division, Personnel Division, and Training Division to facilitate the employee being returned to the Department as expeditiously as possible. This correspondence shall include the employee's:

Name;  
Serial number;  
Current contact information;  
Attorney of record, if applicable;  
Social Security number; and,

Circumstances involving the return of the employee including date of separation, date of agreed upon restoration, and back pay if known.

- \* Retain a copy of any pertinent documents relating to the restoration of the employee (e.g., writs, court orders, agreements, etc.) for later inclusion in the conduct evaluation package;
- \* Determine if the concerned employee had any other pending personnel complaints prior to being separated from the Department and take appropriate action;
- \* Cause the JRO to be assigned to Training Division; and,

**Note:** Employees returning from extended leave will remain assigned to the original Division of assignment. However, they shall be carried on loan to Training Division until they have completed the reintegration training.

- \* Facilitate appointments at Medical Services Division (MSD), Personnel Department, if required.

**Note:** Medical Services Division has agreed to provide the Department with a written record of work restrictions, if any, concerning the employee. Medical Services Division will **NOT** disqualify or defer employees. Medical Services Division will only inform the Department of work restrictions.

Personnel Group shall be the custodian of records for conduct evaluations of officers and shall retain all conduct evaluation packages.

**III. HIRING AND EVALUATION SECTION'S RESPONSIBILITY.** Upon notification from Personnel Group that an officer is returning to the Department after a separation in excess of one year, Hiring and Evaluation Section shall:

- \* Immediately contact the concerned officer to facilitate the conduct evaluation; and,
- \* Conduct an evaluation of the officer's conduct from the time the employee separated from the Department until the time of return to the Department. The evaluation shall be conducted to determine if the employee engaged in any activity that would legally preclude them from being a peace officer.

The "conduct evaluation" shall include:

- \* A Conduct Questionnaire for Returning Officers completed by the employee. The information requested will only be applicable to the time frame discussed above;

**Note:** The focus of the conduct evaluation shall be fitness for duty relative to GC Section 1031. Therefore, it will not generally be necessary to review employment documents from any employer the employee may have had during the time of separation.

- \* A Criminal and driving check; and,
- \* A Review and evaluation of the employee's Military Department of Defense Form 214, if applicable.

**Note:** If the conduct evaluation reveals that the employee may have engaged in conduct in violation of GC Section 1031, forward a copy of the conduct evaluation to Professional Standards Bureau (PSB).

Complete the original conduct evaluation and forward it to Personnel Group for review.

**Note:** The scope and intent of the conduct evaluation is to examine the employee's conduct from the time of separation from the Department until the time of restoration. However, if adverse information comes to light about conduct prior to or during employment with the Department, the investigation will be forwarded to PSB for appropriate action.

**IV. PERSONNEL DIVISION'S RESPONSIBILITY.** Personnel Group will inform Personnel Division that an employee has returned to work after a lengthy absence. Personnel Division shall:

- \* If necessary, process the Controller's Payroll Operation, Form General 41, to re-enter the employee into the payroll system at the appropriate rank;
- \* If necessary, issue the employee a badge and identification card;
- \* Evaluate the employee's work restrictions, if any;

- \* Assist Personnel Group in determining if the employee's work restrictions will be accommodated;
- \* Work with the employee's commanding officer regarding the advisement of the employee's work restrictions, if any; and,
- \* Ensure all JRO and extended leave employees are loaned to Training Division.

**V. FISCAL OPERATIONS DIVISION'S RESPONSIBILITY.** Upon notification from Personnel Group and upon receipt of a completed Controller's Payroll Operation Form 41, from Personnel Division, Fiscal Operations Division will process the employee's payroll and ensure that appropriate retroactive pay, if any, is appropriately credited to the restored officer.

**VI. TRAINING DIVISION.** Personnel Group will notify Training Division when an employee has returned to the Department after a lengthy separation. Training Division will then determine what training is appropriate to bring the employee into POST compliance and re-integrate the employee back into the Department. Training Division will also be responsible for re-issuing all necessary equipment to the employee.

**VII. MEDICAL SERVICES DIVISION, PERSONNEL DEPARTMENT.** Upon request from Personnel Group, MSD will medically and psychologically screen an officer for return to duty. Unlike candidates who are attempting to enter the Department, officers returning after a lengthy separation are already employees. Medical Services Division will not disqualify or defer an employee. Medical Services Division will provide a list of duty restrictions, if any, to the Department. The Department will then make a determination if it will accommodate the employee.

**VIII. PROFESSIONAL STANDARDS BUREAU'S RESPONSIBILITY.** Personnel Group will notify Professional Standards Bureau of any instances where an employee, who was separated from the Department for an extended period of time, committed acts that may render them unfit for service. The conduct evaluation will be forwarded to PSB. Upon receipt of the conduct evaluation, PSB shall evaluate the conduct of the employee and, if appropriate, initiate a Board of Rights for determination of fitness or failure to meet minimum standards pursuant to GC Section 1031.

**AMENDMENTS:** This Order amends Section 3/731.20 of the Department Manual.

**AUDIT RESPONSIBILITY:** The Commanding Officer, Personnel Division, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

**WILLIAM J. BRATTON**  
Chief of Police

**DISTRIBUTION "B"**